THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 15th day of December, 2006

W.P.No.25498 of 2006

Between:

Duddu Prabhakar Rao … Petitioner

and

The Joint Collector, Ongole,
Prakasam District and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.25498 of 2006

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus to declare the action of the 1st respondent in not passing any orders on the stay petition filed along with the appeal seeking to set aside the Proceedings of the 2nd respondent bearing Rc.No.1749/2006, dated 24-10-2006 as arbitrary and illegal and consequently to direct the 1st respondent to dispose of the appeal in accordance with law.

It appears that the petitioner is a fair price shop dealer of Shop No.41 of Ikyanagar, Chirala Town, Prakasam District. While so, his authorization was suspended on various grounds by an Order dated 24-10-2006 of the 2nd respondent-Revenue Divisional Officer, Ongole. In fact, aggrieved by the said Order, the petitioner has already filed a statutory appeal and also preferred a stay petition along with the same. According to the petitioner, neither the appeal is taken up for hearing nor the stay petition is disposed of; therefore, it is necessitated for filing the present Writ Petition.

Learned counsel for the petitioner strenuously contended that the impugned Order dated 24-10-2006 passed by the Revenue Divisional Officer suspending the authorization of the petitioner does not indicate any grave and specific charges against the petitioner. Therefore, there is no necessity of passing such an Order during the pendency of the enquiry into the matter.

Prima facie I am in agreement with the submission made by the learned counsel for the petitioner. The charges are general in nature and there is no grave charge against the petitioner. But, since the petitioner has already filed an appeal and the same is pending with the 1st respondent-Joint Collector, I deem it appropriate to suspend the impugned Proceedings dated 24-10-2006 suspending the authorization of the petitioner by the Revenue Divisional Officer, Ongole during the pendency of the appeal before the 1st respondent. Respondent No.1-Joint Collector is directed to dispose of the appeal, within a period of six weeks from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. No order as to costs.

15-12-2006

prk